



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

SUBDIVISION REVIEW BOARD

Promoting the wise use of land

MEETING DATE April 7, 2014	CONTACT/PHONE Schani Siong, Project Manager 805-781-4374 ssiong@co.slo.ca.us	APPLICANT Eric E. and Doreen M. Lew-Larson	FILE NO. COAL 13-0065 SUB2013-00004
SUBJECT Hearing to consider a request by Eric E. and Doreen M. Lew-Larson for a Lot Line Adjustment (COAL 13-0065) to adjust the lot lines between two parcels of 7,265 square feet and 3,533 square feet each. The adjustment will result in two parcels 6,750 square feet and 4,048 square feet each. The project will not result in the creation of any additional parcels. The proposed project is within the Residential Single Family land use category and is located at 1729 Doris Avenue and 1725 Doris Avenue, in the community of Los Osos. The site is in the Estero planning area.			
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 13-0065 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 5 Categorical Exemption was issued on March 14, 2014 (ED13-183)			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Local Coastal Plan, Archaeologically Sensitive Area	ASSESSOR PARCEL NUMBER 074-083-002 and 009	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Setbacks			
LAND USE ORDINANCE STANDARDS: Title 23 Sec 23.04.040 Minimum Parcel Area, Sec 23.04.044 Required Area –Single Family Residence, Sec 23.04.048 Lot Consolidation; Title 21, Section 21.02.030 – Real Property Division Ordinance – Lot Line Adjustments			
EXISTING USES: Vacant Lots			
SURROUNDING LAND USE CATEGORIES AND USES: <div style="display: flex; justify-content: space-between;"><div><i>North:</i> Residential Single Family /residences <i>South:</i> Residential Single Family /residences</div><div><i>East:</i> Residential Single Family /residences <i>West:</i> Cuesta Inlet wetlands</div></div>			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Los Osos Community Advisory Council, Public Works, CalFire, Los Osos Community Services District and the California Coastal Commission.			
TOPOGRAPHY: Level to gently rolling (0-10% slope)		VEGETATION: Ornamental Vegetation	
PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: CalFire		ACCEPTANCE DATE: February 16, 2014	
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

ORDINANCE COMPLIANCE

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES	ADJUSTED PARCEL SIZES
7,265 square feet (<i>Parcel 1 – Lot 9,10,11</i>)	4,048 square feet (<i>Parcel 1</i>)
3,533 square feet (<i>Parcel B</i>)	6,750 square feet (<i>Parcel 2</i>)

Real Property Division Ordinance – Lot Line Adjustment

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The current parcel configuration consists of two lots in the Residential Single Family land use category. Both existing Parcel 1 (APN074-083-002) and Parcel B (APN074-083-009) are vacant and under one ownership. The proposed lot line adjustment would configure Parcel 1 to 4,048 square feet, and Parcel 2 to 6,750 square feet. Upon adjustment, future development on these two bayfront parcels can still comply with the Cuesta By the Sea Residential Single Family and wetland setback requirements as set forth in the Estero Planning Area Standards. The closest distance measured from the existing upland extent of wetland vegetation found near the parcels is 135 feet (*Wetland Boundary Survey, Gordon Hensley Consulting Biologist, November 2013*). The adjustment will not result in the creation of any additional parcels and does not create any additional development potential than what exists today. The parcels resulting from the proposed lot line adjustment will maintain a position which is equal to the existing situation relative to the county's zoning and building ordinances.

Minimum Parcel Area

Section 23.04.040 through 23.04.044 of the Coastal Land Use Ordinance establishes the minimum site area standards for new parcels, which is 6,000 square feet for parcels in the Residential Single Family land use category. Parcel 1 is an existing legal lot conforming to the minimum parcel size as set forth in this section. Parcel B is an existing legal non-conforming lot as defined in Section 23.09.060, as it was created by means which were consistent with applicable legal requirement at the time the lot was created (*see section on legal lot status below*). The proposed adjustment will configure Parcel 1 to a non-conforming lot and Parcel B (or adjusted Parcel 2) to a conforming lot, which maintains an equal position to the existing situation relative to the county's zoning and building ordinances.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. The adjustment results in an equal position because there will be one legal conforming parcel and one legal non-conforming parcel before and after the adjustment. Parcel 1, as adjusted is consistent with the minimum developable lot size served by the future community sewer system as set forth in the Section 23.04.048 in the Coastal Land Use Ordinance. Based on this, staff has concluded that the adjustment is consistent with both state and local law.

COASTAL ZONE LAND USE ORDINANCE

Section 23.07.120 - Local Coastal Program

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

PLANNING AREA STANDARDS

Estero Area Planning Standards

Residential Single Family and Wetland Setbacks - The parcels are subject to a 50 feet wetland setback and applicable residential setbacks as the following: Front – 15 feet, corner-side 10 feet, side – 3 feet, and rear – 10 - feet. *The lots are currently vacant and the closest wetland upland vegetation measured from the parcels is 135 feet (Wetland Boundary Survey, Gordon Hensley Consulting Biologist, November 2013). Future development on both parcels will be required to meet all applicable setbacks after the lot line adjustment.*

COASTAL PLAN POLICIES:

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: ☒ Policy No(s): 7

Agriculture: N/A

Public Works: N/A

Coastal Watersheds: N/A

Visual and Scenic Resources: N/A

Hazards: N/A

Archeology: N/A

Air Quality: N/A

COASTAL PLAN POLICY DISCUSSION:

Environmentally Sensitive Habitat

Policy 7: Protection of Environmentally Sensitive Habitats - The proposed lot line adjustment meets this policy as the closest wetland upland vegetation from the parcels is 135 feet (Wetland Boundary Survey, Gordon Hensley Consulting Biologist, November 2013).

COMMUNITY ADVISORY GROUP COMMENTS: The Los Osos Community Advisory Council (LOCAC) reviewed and recommended approval of the project on August 26, 2013.

AGENCY REVIEW:

Public Works- *Per referral response dated August 9, 2013.*

- Add COAL # Number to Map
- Add Title “ Lot Line Adjustment Map”
- New parcels must be designated by numbers. Not letters
- Lot boundaries of parcels to be adjusted shall be distinct from other surrounding boundary lines

California Coastal Commission – *Per referral, queries on lot legality and conforming sizes dated October 21, 2013 and staff response email dated November 8, 2013.*

LEGAL LOT STATUS:

APN: 074-083-009

The one existing parcel was legally created by a recorded map, Lot Line Adjustment COAL 72-308, Parcel #B (Book 10, Page 25 of Parcel Maps) at a time when that was a legal method of creating parcels.

APN: 074-083-002

The map of Cuesta By the Sea was filed for record October 4, 1924 in Book 3, Page 48 of Maps. The 1924 map did not create individual legal lots. Therefore, parcel legality for the property will be determined by the deed history of the property. For parcels less than three (3) acres in size, a deed recorded prior to October 12, 1960 (per County Ordinance 509) is needed to determine if all of the historical lots are on one deed, which will be deemed it as one legal parcel. Furthermore, a separate pre-October 12, 1960 deed for each of the individual historical lot is needed to confirm individual lot legality. Deed history shows that all three (3) historical lots (Lot 9, 10, and 11) in Block 13 of Cuesta by the Sea, have been conveyed together on the same deed per a 1953 deed recorded in Book 729, Page 517 of Official Records. Therefore, this pre-1960 deed confirms that the parcel was legally created by deed at a time that was a legal method of creating parcels.

Staff report prepared by Schani Siong and reviewed by Kerry Brown.